

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAYNA FREDERICK,

Plaintiff,

-against-

WALLY HEALTH, INC., et al.,

Defendants.

23-CV-10363 (JGLC) (SLC)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JESSICA G. L. CLARKE, United States District Judge:

Following Defendants’ default, this matter was referred to Magistrate Judge Cave for a damages inquest and Report and Recommendation. *See* ECF No. 38. In the Report and Recommendation filed on April 25, 2025, Magistrate Judge Cave recommended that default judgment be entered against Wally Health, Inc. and that Plaintiff be awarded trebled statutory damages, post-judgment interest, and costs. *See* ECF No. 52 at 23.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and

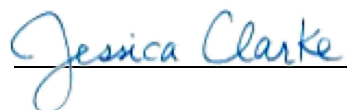
warned that failure to timely file such objections would result in waiver of any right to object. *See* ECF No. 52 at 24. In addition, the Report and Recommendation expressly called Defendants' attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, the parties have waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992).

Despite the waiver, the Court has reviewed Plaintiff's damages submission and the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety.

The Clerk of Court is respectfully directed to enter default judgement against Wally Health, Inc., awarding Plaintiff (1) statutory damages of \$2,500.00, trebled, for a total amount of \$7,500.00; (2) post-judgment interest pursuant to 28 U.S.C. § 1961; and (3) costs in the amount of \$2,522. The Clerk of Court is further directed to close the case.

SO ORDERED.

Dated: May 28, 2025
New York, New York



JESSICA G. L. CLARKE
United States District Judge